IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.33258 of 2008
KHUSHI LAL SAH
Son of Khageshwar Sah, resident of village Nakuta Khurd, P. S. Palasi,
District Araria …… Petitioner
Versus
THE STATE OF BIHAR …… Opp. Party
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2 22.10.2008 Heard learned counsel for the petitioner and learned counsel for the State.

The case is under Section 20/22 of the N.D.P.S Act. As per the prosecution case the petitioner was apprehended from a railway platform and one strip of "AT VAN" tablet of 2 Mg. was recovered from his possession, containing eight tablets.

Learned counsel for the petitioner submits that the said tablet does not come within the definition of narcotic drugs. It is also submitted that another accused who was also apprehended along with the petitioner has been allowed bail by this Court as detailed in paragraph 11 of the petition. It is said that the petitioner is in custody since 25.02.2003 and he has no criminal antecedents.

In the circumstances, this application is allowed. Let petitioner namely, Khushi Lal Sah be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Railway Judicial Magistrate, Katihar in connection with Katihar (Purnea) Rail P. S. Case No. 72 of 2007 and G. R. No. 89 of 2007.

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Kundan **(J. N. Singh, J.)**